DOCUMENT RESUME

ED 312 829 EC 221 287

TITLE OECHC Program Review Guide. A Manual of Standard Operating Procedures. Revised.

INSTITUTION New York State Education Dept. Albany. Office for the Education of Children with Handicapping Conditions.

PUB DATE Oct 88

NOTE 78p.; Prepared by the Division of Program Monitoring.

PUB TYPE Reports - Descriptive (141) -- Guides - Non-Classroom Use (055) -- Tests/Evaluation Instruments (160)

EDRS PRICE MF01/PC04 Plus Postage.

DESCRIPTORS *Compliance (Legal); *Disabilities; *Educational Legislation; Elementary Secondary Education; *Institutional Evaluation; *Program Evaluation; Reports; *Self Evaluation (Groups)

IDENTIFIERS *New York

ABSTRACT

The program review guide provides a framework and a source of reference for the monitoring staff of the New York State Education Department's Office for Education of Children with Handicapping Conditions. The manual simultaneously provides a means for school districts, the Boards of Cooperative Educational Services, and other agencies to monitor their own programs for compliance with all state and federal requirements for the provision of special education programs and services for children with handicapping conditions. This manual includes site visit procedures, a sample letter notifying the site of a scheduled visit, descriptions of information requested prior to site visit, entrance interview procedures, program review procedures, samples of data collection forms, and the final report format. The final report covers board of education responsibilities, policies and procedures on issuing diplomas and certificates, appointment of Committees on Special Education, referral and placement procedures, individualized education programs, and provision of appropriate services. (PB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED312829

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy

O E C H C

Program Review Guide

A Manual of Standard Operating Procedures

BEST COPY AVAILABLE

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
Robert Hill
Trombly
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

EC221287

NEW YORK
THE STATE OF LEARNING

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

ASSISTANT COMMISSIONER FOR EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS

October 1988

To: District Superintendents
Superintendents of Public and Nonpublic Schools
New York City Community School District Superintendent
Directors of Special Education
Pupil Personnel Services Director

From: Lawrence C. Gloeckler

Subject: OECHC Program Review Guide, A Manual of Standard Operating Procedures

The **OECHC Program Review Guide** has been revised and expanded by the Division of Program Monitoring to become A Manual of Standard Operating Procedures. It incorporates the changes in law and regulation that have been made since the last **OECHC Program Review Guide** was published, as well as school district responsibilities related to specific program issues that are statewide priorities consistent with current State policy initiatives. Such program issues include the following: the provision of appropriate space for all special education programs provided to students in the district, including those students served through BOCES-operated programs; 12-month programming for eligible school-age students with handicapping conditions; and ensuring that all students with handicapping conditions have full access to all curricular and extracurricular programs of the district.

Although all of these initiatives focus on ensuring improved quality for all special education programs and services, the access issue incorporates a number of key elements of concern:

- providing students with handicapping conditions access to diploma credit-bearing courses;
- providing for equivalent instruction in special class programs so that participating students have the opportunity to earn diploma credit therein; and
- ensuring that students with handicapping conditions are able to participate in the full range of occupational education programs, based on appropriate vocational assessment, in a sequential, planned manner consistent with their interests and abilities.

While the primary responsibility of the five OECHC Regional Offices continues to be program monitoring to assure compliance, an emphasis is being placed by the Regional Associates on providing technical assistance to local programs for improving program quality consistent with the program issues described above and included throughout the manual. As part of this process, site visit reports often contain professional recommendations which are suggestions that may help program administrators use their resources more effectively or strengthen a particular program area. The Regional Associates are familiar with all of the

special education programs in their area and can assist in the networking process so that programs within a region can share effective practices and program delivery models. They are also in close contact with the OECHC program offices and can help you access appropriate program development, information and training opportunities.

The **Guide** is designed to assist school districts, Boards of Cooperative Educational Services (BOCES), and agencies to evaluate their own compliance with all State and Federal requirements for the provision of special education programs and services for children with handicapping conditions. In addition, the **Guide** will help administrators responsible for special education programs to become familiar with OECHC's standard operating procedures for conducting site visits and for other compliance related activities.

If you have specific questions regarding a program review process, please contact the Regional Office in your area. You may take advantage of the technical assistance available by contacting your Regional Associate with questions regarding the provision of special education programs and services at any time, even if you are not anticipating a program review.

OECHC PROGRAM REVIEW GUIDE

A Manual of Standard Operating Procedures

Revised: October 1988

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office for Education of Children with Handicapping Conditions
Albany, New York 12234

THE UNIVERSITY OF THE STATE OF NEW YORK

Regents of The University

MARTIN C. BARELL, *Chancellor*, B.A., I.A., LL.B.	Muttontown
R. CARLOS CARBALLADA, *Vice Chancellor*, B.S.	Rochester
WILLARD A. GENRICH, LL.B.	Buffalo
EMLYN I. GRIFFITH, A.B., J.D	Rome
JORGE L. BATISTA, B.A., J.D.	Bronx
LAURA BRADLEY CHODOS, B.A., M.A.	Vischer Ferry
LOUISE P. MATTEONI, B.A., M.A., Ph.D.	Bayside
J. EDWARD MEYER, B.A., LL.B.	Chappaqua
FLOYD S. LINTON, A.B., M.A., M.P.A.	Miller Place
MIMI LEVIN LIEBER, B.A., M.A.	Manhattan
SHIRLEY C. BROWN, B.A., M.A., Ph.D.	Albany
NORMA GLUCK, B.A., M.S.W.	Manhattan
JAMES W. MCCABE, SR., A.B., M.A.	Johnson City
ADELAIDE L. SANFORD, B.A., M.A., P.D.	Hollis
WALTER COOPER, B.A., Ph.D.	Rochester
GERALD J. LUSTIG, B.A., M.D.	Staten Island

President of The University and Commissioner of Education
THOMAS SOBOL

Executive Deputy Commissioner of Education
THOMAS E. SHELDON

Deputy Commissioner for Elementary and Secondary Education
LIONEL R. MENO

Assistant Commissioner for Education of Children with Handicapping Conditions
LAWRENCE C. GLOECKLER

The State Education Department does not discriminate on the basis of age, color, religion, creed, disability, marital status, veteran status, national origin, race, or sex in the educational programs and activities which it operates. Inquiries concerning this policy of equal opportunity and affirmative action should be referred to the Department's Affirmative Action Officer, Education Building, Albany, NY 12234. Phone (518) 474-1265.

TABLE OF CONTENTS

	PAGE
Introduction	1
Site Visit Procedures	3
Sample Letter: Notification of Scheduled Site Visit	4
Information Requested Prior to Site Visit	
School District Population and Placement Data	6
Breakdown of Students by Handicapping Condition	9
BOCES Population Status	10
Related Services Schedule	12
Entrance Interview	13
Program Review	14
Regional Associate Data Collection Forms	15
Report Format	22
I. Board of Education Responsibilities	23
II. Part 100 Policies and Procedures	29
III. Committee on Special Education	31
IV. Procedures for Referral, Evaluation and IEP	33
V. Procedural Due Process	45
VI. Provision of Appropriate Education	51
VII. Part 100 Implementation	64
Regional Offices Map	70

INTRODUCTION

The primary responsibility of the New York State Education Department's Office for Education of Children with Handicapping Conditions (OECHC), Division of Program Monitoring, is to monitor and assist school districts, Boards of Cooperative Educational Services (BOCES) and other agencies responsible for educating students with handicapping conditions, to come into and to remain in full compliance with State and Federal laws and regulations pertaining to the education of such students. In addition, Regional Associates, the monitoring staff of OECHC, work with service providers in identifying and correcting areas of program weakness.

The purpose of this review guide is to provide a framework and a source of reference for the Regional Associates (RAs) as they carry out their program review responsibilities. The manual simultaneously provides a means for school districts, BOCES and other agencies to monitor their own programs both before and after site visits by Department staff.

Site visits for purposes of program reviews are scheduled to take place routinely and agencies are notified well in advance of such visits. Unannounced follow-up site visits are made to monitor compliance where necessary. The review process culminates in a final report which is a public document. Data used in the preparation of site visit reports are gathered through reviewing a variety of documents used by the agency for planning, administration and due process purposes; by attendance at CSE meetings; student record reviews; and observations of service delivery in classrooms and related service areas. The review process has been designed to include procedures which encourage an interchange at various times during the site visit between Department staff and the staff of the district, BOCES or other agency being reviewed. These procedures include:

- Submission by program administrators of documentation, including program descriptions, standard forms, class lists, teacher certification materials, staff schedules and other materials prior to the review.
- An entrance interview conducted by the Regional Associate prior to the review, with the superintendent or agency head and other staff members to discuss review procedures and to answer questions.
- Interviews of agency staff members during the site visit.
- An exit interview, conducted by the Regional Associate at the conclusion of the visit, to share with the superintendent or agency head the major findings of the site visit.
- A draft report summarizing major findings and recommendations sent to the superintendent or agency head for review within 30 days.
- A meeting with district/program administrators, if necessary, to resolve disputed issues and/or to answer questions before the draft report becomes a final document.

Site visit reports discuss program issues as well as areas of noncompliance noted during the review. Professional recommendations to address identified program concerns are provided to administrators as a form of technical assistance to be adopted at their discretion. Regional Associates are encouraged to provide additional technical assistance, within the limits of existing time constraints, to help school districts, BOCES and other agencies improve the overall quality of special education services.

It should be noted that not all sections of the review guide are applicable to all programs. For instance, some sections are specific only to public school districts and would not be applicable to BOCES and/or private schools. The inclusion of these sections in the **OECHC Program Review Guide** ensures that it conforms as closely as possible to the format of Part 200 of the Regulations of the Commissioner of Education of the State of New York and is not intended to imply that any given agency is to be held accountable for all of the requirements included in this manual.

For information on the program review process, contact your Regional Office. A list of Regional Offices appears on page 70 of this manual.

SITE VISIT PROCEDURES

Scheduling of Site Visits

Each Regional Associate is assigned monitoring responsibility for some of the programs described in Section 4401 of New York State Education Law. During each summer, OECHC establishes monitoring priorities for the coming school year.

Initial Notification of the Site Visit

Between August 1 and September 1, the Regional Associate provides each of the programs scheduled for a site visit with an initial notification of the impending review by OECHC during the coming school year and requests some preliminary data. Copies of these data forms are included on pages 6-20.

Notification of Date of Site Visit

At least 30 days prior to the scheduled review, the program administrator is called to schedule a date and time for an opening interview. This is confirmed in writing in a follow-up letter. This letter also requests the submission of materials necessary for the site visit. The sample letter listing these materials and the forms to be completed prior to the program review used are included on the following pages.

SAMPLE LETTER:

NOTIFICATION OF SCHEDULED SITE VISIT

DATE

_____
Superintendent of Schools
_____School District
_____
_____

Dear _____:

This letter is to confirm our plans to conduct a comprehensive program review of the _____ School District during the week of _____ by regional staff of the Office for Education of Children with Handicapping Conditions.

The purpose of the program review is to monitor your special education program's compliance with State and Federal laws and regulations governing the education of children with handicapping conditions, and to provide technical assistance, if needed, regarding your implementation of Part 200 and Part 100 of Regulations of the Commissioner.

It would be helpful if you would send, no later than two weeks prior to the beginning of the visit, the following information.

1. A copy of your current plan for the education of children with handicapping conditions; written policies and procedures for appointing and training personnel and for insuring access to enable students with handicapping conditions to participate in all curricular and extracurricular programs; procedures for maintaining a census of pupils with handicapping conditions; and schedule and/or method of providing in-service training to special education staff.
2. One copy of the list specifying the names and qualifications of persons from whom the district shall choose an impartial hearing officer as well as the list of appointed surrogate parents.
3. A list of the members of the district Committee on Special Education (CSE) and any subcommittee(s) on special education and a copy of the most recent Board of Education resolution appointing the members. Please include a schedule of district CSE and subcommittee(s) meetings for the 19___-___ school year.
4. One copy of the district's diagnostic screening plan.
5. One copy of Committee on Special Education referral procedures, including copies of each of the standard forms used in the referral, evaluation, and placement of students suspected of having a handicapping condition, as well as the reevaluation and annual review process for students identified as having handicapping conditions.
6. Sample copies of completed Individualized Education Programs (IEPs), Phase I and Phase II for each type of special education service and/or program provided by the district.
7. One copy of the district's procedures to ensure confidentiality of personally identifiable data.

8. One copy of the district's suspension procedures.
9. A copy of the administrative structure of the district, including a table of organization, if available, and existing job descriptions for special education staff.
10. A list of your special education instructional staff (including teachers, teacher assistants and aides) as well as the classes or instructional areas they serve, indicating whether staff are full or part-time employees.
11. A roster of special education classes and resource rooms to include:
    - the teachers' names;
    - type of program;
    - location(s) of program; and
    - a completed class list form for each special class and resource room (a form for this purpose is attached).
12. A list of all related and other support personnel (e.g., speech therapists, psychologists, physical therapists, providers of adaptive physical education, etc.) and any itinerant staff, to include:
    - teacher's (therapist's) name;
    - title or position;
    - service location(s);
    - the schedules for these providers (a form for this purpose is attached).
    - an indication as to whether the staff member is a district or BOCES employee.
13. A copy of the school calendar which includes hours of instruction scheduled in each school building.
14. A copy of the procedure to ensure that instruction equivalent to that delivered in regular education classes is provided to students with handicapping conditions placed in special classes.
15. The number of students with handicapping conditions graduated with a high school diploma and the number of pupils with handicapping conditions who received an Individualized Education Program (IEP) diploma or a local certificate (specify which).

In addition, please have available for review on-site a copy of the New York State Education Department's certification or licensure for each of the administrative, instructional and related services staff of your district included in items ten and twelve above. Do not include certification for staff who are not employees of the district, i.e., BOCES staff.

I am looking forward to our meeting on _____ at _____ to discuss the review.

Should you have any questions, please feel free to call me at _____. Thank you very much for your cooperation.

Sincerely,

Regional Associate

Enclosures

cc: Supervisor

INFORMATION REQUESTED PRIOR TO SITE VISIT

School District Population And Placement Data

1. Total number of school-age students residing in district (this includes nonpublic school students) _____
2. Total number of school-age students served by district (the above number less nonpublic school students) _____
3. Number of school-age residents classified as handicapped _____
4. Percent of school-age residents classified as handicapped _____
5. Number of school-age handicapped students placed through CSE _____
6. Location and types of services to handicapped students:

	ELEMENTARY Grades K to_____		MIDDLE SCHOOL Grades _____to _____		SECONDARY Grades_____to_____		**STUDENT TOTALS**
	# Students	# Classes	# Students	# Classes	# Students	# Classes	
A. Local District Programs							
Related Services Only		XXXXX					
Resource Room _____							
Option I_____							
Option II _____							
Option III _____							
Option IV _____							
Both Resource Room and Special Class _____		XXXXX					
SUBTOTAL _____							

NOTE: Please indicate below if there are any classes placed in inappropriate age-level buildings

13

	ELEMENTARY Grades K to_____		MIDDLE SCHOOL Grades_____to _____		SECONDARY Grades_____to_____		STUDENT TOTALS
	# Students	# Classes	# Students	# Classes	# Students	# Classes	
B. BOCES' Programs							
1. District-based (in this district)							
a. Resource Room							
b. Option I							
c. Option II							
d. Option III							
e. Option IV							
2. District-based (in other districts)							
a. Resource Room							
b. Option I							
c. Option II							
d. Option III							
e. Option IV							
3. BOCES' Center-based							
a. Option I							
b. Option II							
c. Option III							
d. Option IV							
SUBTOTAL							

	ELEMENTARY Grades K to_____		MIDDLE SCHOOL Grades_____to _____		SECONDARY Grades_____to_____		**STUDENT TOTALS**
	# Students	# Classes	# Students	# Classes	# Students	# Classes	
C. Contract with Other Districts							
D. Private School (Day)							
E. Private School (Residential)							
F. State-operated or State-supported Schools							
G. Other							
GRAND TOTAL							

INFORMATION REQUESTED PRIOR TO SITE VISIT

Breakdown Of Students By Handicappping Condition

Handicapping Condition **District**

	Number of Students	Percent of Pupils with Handicapping Conditions
Autistic		
Emotionally Disturbed		
Learning Disabled		
Mentally Retarded		
Deaf		
Hard of Hearing		
Speech Impaired		
Visually Impaired		
Orthopedically Impaired		
Other Health Impaired		
Multiply Handicapped		
Deaf/Blind		
TOTAL		

INFORMATION REQUESTED PRIOR TO SITE VISIT (BOCES)

BOCES Population Statistics

1. Number of School Districts Served by BOCES _____
2. Total School-Age Population with Handicapping Conditions in BOCES Region _____
3. Number of Students with Handicapping Conditions Served by BOCES _____
4. Percent of Region's Handicapped Population Served by BOCES _____
5. Location of Services by Number and Age of Students Served:

A. Number of Public School-Based BOCES Programs

		# of classes		# of students	
	Ages	K-6	7-12	K-6	7-12
Option I					
Option II					
Option III					
Option IV					
Resource Room		XXX	XXXXX		
Related Services Only		XXX	XXXXX		
Itinerant Services					
TOTALS					

Percent of BOCES Students with Handicapping Conditions in LEA Space _____

B. Number of Center-Based (segregated) BOCES Programs _____

		# of classes		# of students	
	Ages	K-6	7-12	K-6	7-12
Option I _____					
Option II _____					
Option III _____					
Option IV _____					
TOTALS _____					

Percent of BOCES Students with Handicapping Conditions in Center Space _____

Note: Please indicate below if there are any classes placed in inappropriate age-level LEA buildings and how many classes are involved.

INFORMATION REQUESTED PRIOR TO SITE VISIT

Related Services Schedule

Please Complete One Of These Forms For Each Related Service Provider

If more than one student is seen at a time, list all members of the group in the appropriate slot.

NAME OF STAFF MEMBER:_____ TITLE:_____

	M	T	W	T	F
Period 1_____					
Period 2_____					
Period 3_____					
Period 4_____					
Period 5_____					
Period 6_____					
Period 7_____					
Period 8_____					
Period 9_____					

Direct Service Totals: _____

Caseload (Number of students) _____

Hours per Week of direct service by the staff member _____

Indirect Service:

Describe any indirect services by the staff members provided and the number of hours/week devoted to that service:

_____

_____

Please indicate location of services provided.

_____

_____

ENTRANCE INTERVIEW

Prior to conducting any portion of the review, the Regional Associate meets with the district/program administrator to discuss the review procedures and to answer any questions. The Regional Associate presents an overview of the review, covering areas such as:

- an explanation of the purpose of the review, including a general outline of the areas of law and regulation that will be monitored during the review;
- a description of the monitoring activities, including the observations, the records review, the interviews with staff, the review of program documents; and
- a description of what occurs once the review is completed, including the exit interview, the draft report, the final report, and compliance resolution.

At the entrance interview, the Regional Associate also collects information to facilitate the review. For example, the Regional Associate needs to obtain:

- answers to any questions raised by the data previously submitted by the district;
- the addresses of all sites where special education services are being provided;
- the names and titles of all persons with whom the Regional Associate must meet; and
- a general schedule indicating the most convenient dates and times when different aspects of the program can be reviewed.

The Regional Associate will make every attempt to answer questions of the superintendent and/or program administrator.

PROGRAM REVIEW

A computerized report format which provides the framework for the conduct of the site visit has been developed. It delineates the full range of possible compliance issues, the legal reference for those issues, the corrective actions to be taken and documentation that will be required as evidence of compliance. The report format will be used by Regional Associates as the data collection instrument as well as the instrument for reporting the findings of the site visit to the district/program and to the Department. Its use has assisted in the standardization of procedures throughout the State. Additionally, it assists districts/programs in carrying out self-evaluations.

The Regional Associate conducts interviews, observations, record reviews, and school policies/plan reviews to obtain documentation of compliance for each item in the report format.

As the Regional Associate uses the data collection forms, areas in which compliance issues exist will be identified. Issues which are identified will be listed on the computerized report format. A copy of that format along with the forms the Regional Associate will use to document the information collected during record reviews and other activities of the site visit are included as separate sections of this manual. School administrators are encouraged to use these documents for self-monitoring purposes. Although it is not possible to establish precise numbers, the following guidelines will be used in making decisions as to how many records need to be reviewed and how many classrooms need to be visited during a program review. In general, approximately 10 percent of a program's records, randomly selected, will be thoroughly reviewed and at least 10 percent of the classes will be visited. This general procedure may not be appropriate for very small or very large programs. In no case will general conclusions be drawn about a small district without reviewing at least 20 records and visiting 2 classes of each option on the continuum at each program level. In very large programs, the record review may stop before 10 percent of the records have been reviewed if a consistency across records indicates that the findings reported will be accurate and representative. The same is true for classroom visits. Samples of observation and data collection forms begin on the following page.

REGIONAL ASSOCIATE DATA COLLECTION FORMS

Special Class Observation Form

Regional Associate: _____

Date: _____

Region: _____ Class room #: _____

District: _____ Register: _____

Program: _____ Attendance: _____

School: _____ Staffing: _____

Teacher: _____ Required: _____

Observed: _____

I. Phase I IEPs available? YES____ NO____

Phase II IEPs available? YES____ NO____

If NO, how many missing _____

II. Class Grouping

Age Range: DOB youngest _____ DOB oldest _____ Compliance? YES____ NO____

Reading Grade Range: _____

Math Grade Range: _____

Social/Emotional Development: _____

Physical Development: _____

>3 Year Rationale *Needed* Y____ N____ *Available* Y____ N____

III. Does observed instruction match IEPs? _____

If no, describe _____

IV. Is there a curriculum available? Y____ N____ Used? Y____ N____

Equivalent? Y____ N____ Parallel? Y____ N____

Comments: _____

_____

V. Behavior Management (Evidence of plans, implementation of plans, learning environment)

_____

_____

_____

VI. Physical Education: Frequency of class _____ Duration _____ Total _____

Adaptive Physical Education Class/size _____

VII. Is classroom adequate and appropriate for instruction? _____

If no, describe _____

_____

VIII. Is classroom furniture adequate and appropriate for students?

_____

IX. Were adequate and sufficiently varied instructional materials observed?

_____

COMMENTS: _____

_____

_____

_____

USE ONE FORM FOR EACH CLASS.

USE REVERSE SIDE FOR ADDITIONAL COMMENTS.

Resource Room Observation Form

Regional Associate: _____

Date: _____

District: _____

Building: _____ Resource Room: _____

Teacher: _____

1. Length of instructional period: _____

		Compliance Yes	Compliance No
2.	Total register of Pupils with Handicapping Conditions (PHC): _____		
3.	Group size/period: _____		
4.	Current Phase I IEP (number available): _____		
5.	Phase II IEP (number available): _____		
6.	Compliance with 3 hour minimum?:		
7.	Functional grouping within instructional groups?:		

8. If this is a part-time resource room assignment for teacher, is the number of students assigned proportional to teacher's FTE?: _____

9. Number of nonhandicapped students on teacher's register: _____

10. Is the classroom adequate and appropriate for resource room instruction? _____

11. Were adequate and appropriate instructional materials and supplies observed? _____

12. Was observed instruction consistent with IEPs? _____

13. Were lesson plans available? _____ If so, were planned lessons consistent with IEPs? _____

Comments: _____

_____

_____

Related Services Observation Form

Regional Associate: _____

Date: _____

District: _____

Building: _____

Name of Service Provider: _____

Nature of Service: _____

			Compliance	
			Yes	No
1.	Length of instructional period:	_____	_____	_____
2.	Total caseload of PHC:	_____	_____	_____
3.	Maximum group size/period:	_____	_____	_____
4.	Current Phase I IEPs (number available):	_____	_____	_____
5.	Current Phase II IEPs (number available)	_____	_____	_____

6. Is the space assigned for this service adequate and appropriate for delivery of the service? _____

_____

_____

7. Were adequate and appropriate supplies and equipment available? _____

_____

8. Was observed instruction consistent with IEPs? _____

_____

9. Comments: _____

_____

_____

_____

INSTRUCTIONS TO RA:
USE ONE OF THESE FORMS FOR EACH RELATED SERVICES PROVIDER OBSERVED.

Physical Facilities Checklist: Accessibility, Appropriateness, LRE

Regional Associate: _____

School: _____

Address: _____

Date: _____

District: _____

1. General Accessibility Issues:

   a. Curb cuts _____

   b. Building access _____

   c. Program accessibility _____

      If not fully accessible at present, is there an adequate plan for making the program accessible? _____

2. Are classrooms and related services areas adequate and appropriate for instruction? If no, identify specific classrooms and the buildings in which they are located and problems in these rooms

   _____

   _____

   _____

3. Other Program Areas: Condition and Accessibility

   a. Cafeteria: _____

   b. Auditorium: _____

   c. Library: _____

   d. Vocational Workshops: _____

   e. Gymnasium: _____

   f. Playgrounds: _____

   g. Other: _____

If problems are identified, indicate specific area in specific building and nature of problem _____

_____

_____

Is there an adequate plan for making these areas accessible? _____

4. Toilet/Washing Facilities – Accessibility of:

	Yes	No
a. Stalls/doors	_____	_____
b. Sink	_____	_____
c. Toilets/urinals	_____	_____
d. Soap dispensers	_____	_____
e. Towel dispensers	_____	_____
f. Faucets	_____	_____
g. Toilet paper	_____	_____
h. Other (specify)	_____	_____

_____

Indicate specific location of problem areas and specific problems identified.

_____

_____

_____

Is there an adequate plan for correcting these problems? _____

5. LRE concerns, if any, in relation to physical facilities in district.

_____

_____

_____

_____

INSTRUCTIONS TO REGIONAL ASSOCIATE:
USE ONE FORM FOR EACH BUILDING VISITED.

EXIT INTERVIEW

Within one week after the completion of the review, an exit interview is conducted with the district/program administrator. At the exit interview, the Regional Associate summarizes the review activities and outlines those compliance issues that were identified during the review. The district/program administrator is given an opportunity to ask questions about the manner in which the review was conducted and the compliance issues that were cited. The Regional Associate is ready to document the existence of all compliance issues identified and describes how the district/program is expected to resolve the issues identified. The procedures involved in receiving and responding to the draft and final reports are explained as are the compliance resolution procedures.

DRAFT REPORT

Within two weeks of the exit interview, the Regional Associate submits a draft report to the office supervisor of the Division of Program Monitoring. The draft report addresses all of the compliance issues as they were discussed at the time of the exit interview. The draft report also includes any recommendations to help the district strengthen its delivery of services or the efficiency of its procedures. After being reviewed by the office supervisor for accuracy and thoroughness, the draft report is submitted to the district.

FINAL REPORT

Thirty days after the mailing of the draft report, a copy of the final version of the report is submitted to the district/program. Prior to the expiration of that 30-day period, the district/program administrator may request a meeting to discuss the contents of the draft report and to request that changes be made in the report before it becomes final. The Regional Associate changes sections of the report if the draft report is inaccurate or if the district is cited for being out of compliance in an area in which compliance existed at the time of the review. In those instances in which compliance is obtained after the review but prior to the finalization of the report, the Regional Associate will note the existence of the compliance issues at the time of the review. In those instances in which the district/program administrator disagrees with the contents of the report, the administrator may submit a written statement indicating disagreement and a copy of such statement will be appended to the final report.

COMPLIANCE FOLLOW-UP

When the district/program submits documentation that it has corrected all compliance issues identified in the report's compliance chart within the specified timelines, the district/program will be notified that it has obtained full compliance. Full compliance, in this instance, means that the district has corrected all compliance issues that were identified by the Regional Associate at the time of the site visit. Compliance issues that presented themselves after the review are not covered by the full compliance notice.

REPORT FORMAT

The following pages contain the computerized report format that serves as the basic data collection tool and the reporting instrument. The format presented here includes the most frequently identified compliance issues, the legal citations* for those issues, and samples of the corrective actions and documentation of those actions commonly required.

The site visit report itself will include the applicable compliance citations from these pages, an introduction, a summary highlighting the major findings of the visit, and where appropriate, program recommendations.

*8NYCRR200. __ refers to Part 200 of New York State Codes, Rules and Regulations. 8NYCRR100. __ refers to Part 100 of those regulations. 34CFR300. __ refers to that part of the Code of Federal Regulations which governs the implementation of P.L. 94-142.

NYSED, Article __ refers to New York State Education Law.

SAMPLE COMPLIANCE CHART

The following is a summary of the compliance issues identified during the site visit and of the corrective actions which must be taken.

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
I. BOARD OF EDUCATION RESPONSIBILITIES – 8NYCRR 200.2		
A. Census and Registry		
The district has not conducted an annual census of children with handicapping conditions. 8NYCRR 200.2(a)(1)	The district must conduct an annual census to locate and identify all resident children with handicapping conditions who are entitled to attend its schools during the next school year. Written procedures for conducting the census and copy of the new census data must be submitted.	
The district has not reported its census data to the Committee on Special Education (CSE) by October 1st of each school year. 8NYCRR 200.2(a)(1)	The district must report the census data collected annually to the Committee on Special Education (CSE) by October 1. Procedures for conducting an annual census and reporting this data to the CSE must be submitted together with a copy of the data.	
The district has not established a register of children with handicapping conditions. 8NYCRR 200.2(a)(1)	The district must establish, and annually revise, a register of students with handicapping conditions entitled to attend district schools and children referred to the CSE. A copy of the register must be submitted.	
The registry of students with handicapping conditions does not contain all required information. 8NYCRR 200.2(a)(2)	The registry must be expanded to also include the student's dominant language, handicapping condition, dates of referral, evaluations, recommendations, placement, annual review, placement site, and for any student with a handicapping condition not receiving an appropriate education, a description of the reason. A copy of the form used to collect registry data and a sample copy of a completed form must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
The registry data is not organized in such a manner that a determination of whether students are receiving appropriate educational services can be readily made. 8NYCRR 200.2(a)(2)(ii)	The registry data must be properly organized so that the educational status of each student with a handicapping condition can be readily determined. A copy of the form used to organize registry data must be submitted.	
Individuals conducting the annual census have not been properly trained. 8NYCRR 200.2(a)(3)	Persons involved in the collection of data must receive prior training and written information regarding data collection procedures. A copy of data collection procedures and personnel training must be submitted together with a training schedule.	
The district has not followed required policies and procedures for reporting data. 8NYCRR 200.2(a)(4)	The district must prepare and keep on file, summary reports of data pertaining to students being served, and students not being served along with the reasons they are not being served. A copy of the summary data must be submitted.	
B. Written Policy		
The Board of Education has not adopted a policy establishing administrative practices and procedures to ensure that students with handicapping conditions are afforded equal opportunity to participate in all school district programs, activities and services. 8NYCRR 200.2(b)(1)	The Board of Education must adopt a written policy ensuring that all resident students with handicapping conditions are afforded equal opportunity to participate in available district programs, activities and services. A copy of this policy and date of adoption must be submitted.	
The Board of Education has not adopted a policy establishing administrative practices and procedures for appointing and training appropriate personnel to carry out the functions of Part 200 of the Commissioner's Regulations. 8NYCRR 200.2(b)(2)	The Board of Education must adopt a written policy to ensure that all personnel responsible for carrying out the provisions of the Part 200 Regulations are qualified and appropriately trained. A copy of this policy and date of adoption must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
The Board of Education has not adopted a policy that establishes administrative practices and procedures to implement the provisions of 8NYCRR 200.6(a). 8NYCRR 200.2(b)(3)	The Board of Education must adopt a written policy ensuring that the district will provide all resident students with handicapping conditions with appropriate special educational programs and services. A copy of this policy and date of adoption must be submitted.	
The district has not prepared a Plan of Accessibility. Rehabilitation Act, 1973, Section 504	The district must prepare a Plan of Accessibility describing the provision of access to the schools' programs and services for physically impaired individuals. A copy of this plan must be submitted.	
C. District Plan		
The Board of Education has not prepared a District Plan. 8NYCRR 200.2(c)(1)	The Board of Education must prepare a District Plan and revise this plan by November 1, 1988 and every second year thereafter. A copy of the District Plan and date of adoption must be submitted.	
The District Plan does not contain all required data. 8NYCRR 200.2(c)(2)	The District Plan must include a description of the nature and scope of the district's special education programs and services; the number and age span of students with handicapping conditions served; the evaluation method used to determine achievement of program objectives; a description of Board of Education policies and practices to ensure appropriate district space for special education programs; a description of the Board of Education policies and practices to ensure that appropriate space will be available to meet the needs of resident students with handicapping conditions attending BOCES programs; the estimated budget to support such plan; and the date of adoption. A copy of the District Plan must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
The District Plan has not been maintained on file and available for public inspection. 8NYCRR 200.2(c)(3)	The District Plan, with personally identifiable pupil information deleted, must be filed and available for public inspection and review by the Commissioner.	
The District Plan does not include a description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the district for special education programs that meet the needs of students with handicapping conditions. 8NYCRR 200.2(c)(2)(iv)	The District Plan must include a description of district practices and policies assuring the availability of appropriate space for special education programs. A revised copy of the District Plan must be submitted.	
D. Approval of Services		
The Board of Education has not acted to determine the appropriate special education programs and services to be provided to a student with a handicapping condition after reviewing CSE recommendations. 8NYCRR 200.2(d)	The Board of Education must make a determination of appropriate programs and services to be provided to students with handicapping conditions after a review of CSE recommendations. Board of Education procedures addressing this process must be submitted.	
In reviewing CSE cases for approval of services, the Board of Education does not make its determination of appropriate programs and services on the basis of reviewing recommendations contained on the Phase I IEP. 8NYCRR 200.2(d), 200.4(c)(2), 200.5(a)(4)	The Board of Education must review the recommendations contained in each student's Phase I IEP. Revised CSE procedures, instituting this practice, must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
E. Maintenance of Lists		
The Board of Education has not established a list of persons from whom the district must choose an impartial hearing officer. 8NYCRR 200.2(e)(1)	The Board of Education must establish a list of impartial hearing officers certified by the Commissioner of Education and submit a copy of this list.	
The impartial hearing officer list established by the Board of Education includes individuals who have not been certified by the Commissioner of Education. 8NYCRR 200.2(e)(1)	The Board of Education must establish a list of impartial hearing officer candidates who have received appropriate training and have been certified by the Commissioner. A copy of this list must be submitted.	
The Board of Education has not established a list of persons from whom the district must choose a surrogate parent. 8NYCRR 200.2(e)(2)	The Board of Education must establish a list of surrogate parent candidates and submit a copy of this list.	
F. Contracting		
The district CSE has continued to review for educational planning purposes those students who, by contract, are being served by another school district. 8NYCRR 200.2(f); NYSED, Sections 2040-2045	The CSE of the receiving school district must serve as the CSE for all children placed there. A copy of procedures covering the transition of CSE responsibility must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
G. Diagnostic Screening Procedures		
The district has not prepared a plan for diagnostic screening of new entrants and pupils scoring below designated levels on State examinations. 8NYCRR 117.3	The district must prepare a plan for conducting diagnostic screenings of kindergarten students, new entrants into the N.Y.S. public school system and students scoring below the reference points on State examinations. A copy of this plan must be submitted.	
The screening plan does not include required timelines for conducting screening activities. 8NYCRR 117.3	The screening plan must include a specific reference to the required timelines for conducting screening activities. A revised copy of the screening plan must be submitted.	
The district has not prepared a written report containing the diagnostic screening results. 8NYCRR 117.3	A written report containing the results of the diagnostic screening conducted on each student must be prepared. A copy of the report form used by the district for this purpose must be submitted.	
The screening plan does not include any reference to the referral of pupils suspected of having a handicapping condition. 8NYCRR 117.3	Students who are suspected of having a handicapping condition as a result of a diagnostic screening must be referred to the CSE within 15 days after completion of the screening. A copy of the procedures developed for this purpose must be submitted.	
Students suspected of having a handicapping condition as a result of a diagnostic screening have not been referred to the CSE. 8NYCRR 117.3	Students who are suspected of having a handicapping condition as a result of a diagnostic screening must be referred to the CSE within 15 days after completion of the screening. A copy of the procedures developed for this purpose must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
New entrants, enrolled in the school district prior to December 1, have not been screened within required timelines. 8NYCRR 117.3(b)(3)	New entrants, meaning a student entering the NYS public school system for the first time, or reentering a NYS public school system with no available record of prior screening, must be screened no later than December 1 of the school year of entry or within 15 days of transfer should the entry occur after December 1. A copy of the procedures developed for this purpose must be submitted.	

II. PART 100 POLICIES AND PROCEDURES

A. Equal Access to a Diploma

The district has not adopted a policy to ensure that students with handicapping conditions are provided appropriate opportunities to earn a high school diploma. 8NYCRR 100.6(a)	The district must prepare and adopt a written policy ensuring that students with handicapping conditions are afforded appropriate opportunities to earn a high school diploma. District policies and procedures on access to diploma opportunities must be on file for review. A copy of this policy and date of adoption must be submitted.	
The district has not implemented the policy adopted by the Board of Education to ensure that students with handicapping conditions are provided appropriate opportunities to earn a high school diploma. 8NYCRR 100.6(a)	The district must implement the written policy adopted by the Board of Education ensuring that students with handicapping conditions are afforded appropriate opportunities to earn a high school diploma. District policies and procedures on access to diploma opportunities must be on file for review. A description of policy implementation must be submitted.	

B. Issuance of a Certificate

The district has not instituted appropriate procedures for the issuance of a local certificate. 8NYCRR 100.6(a)	The district must establish appropriate notification procedures and criteria for the issuance of a local certificate. A copy of procedures and criteria addressing this issue must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
The district has not issued a local certificate to students who meet eligibility requirements. 8NYCRR 100.6	Students who have attended 13 years of school beyond kindergarten, (except for those meeting criteria of 8NYCRR 200.1(cc)(4)) and who have achieved the goals specified on their IEP for that school year may be awarded a local certificate. Procedures for the issuance of a local certificate must be submitted.	
C. Issuance of an IEP Diploma		
The district has not instituted a practice of awarding an IEP diploma to students who have satisfied requirements. 8NYCRR 100.9 (b)	A public school district must award an IEP diploma to students during the school year in which their twenty-first birthday occurs if they have completed the goals of their current IEP, as approved by the Board of Education. A copy of guidelines for the issuance of an IEP diploma must be submitted and maintained on file for review by parents and staff.	
The district's policy regarding the issuance of an IEP diploma does not clearly state that any student who is aging-out and has completed the goals of the current IEP must receive an IEP diploma. 8NYCRR 100.9 (b)	A public school district must award an IEP diploma to a student during the school year in which the twenty-first birthday occurs if the goals of the current IEP, as approved by the Board of Education, have been completed. The district's policy regarding the issuance of an IEP diploma must be revised to be consistent with regulatory requirements. A copy of this policy must be submitted.	
The district has awarded an IEP diploma to a student for whom there is clear documentation of continuing need for educational services without application by the student or parent and without evidence that the student has attended school for at least 12 years, excluding kindergarten. 8NYCRR 100.9(c)	A public school district may award an IEP diploma upon application by a student or student's parent after the student has attended school for at least 12 years, excluding kindergarten and if the student has achieved the goals specified in the current IEP. The district's policy regarding the issuance of an IEP diploma must be revised to be consistent with regulatory requirements. A copy of this policy must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
IEP diplomas, issued to students who are below the age of 21, are not accompanied with a written statement assuring the student's continuing eligibility to the district's educational services. 8NYCRR 100.9 (e)	If the student receiving an IEP diploma is below the age of 21, the diploma must be accompanied by a written statement of assurance that the student continues to be eligible to attend public schools without payment of tuition until the student has earned a high school diploma or until the end of the school year in which the student's 21st birthday occurs. A copy of such statement and related procedures for the issuance of an IEP diploma must be submitted.	
D. School Conduct & Discipline Policy		
The district has not adopted a policy on school conduct and discipline addressing the needs of students with handicapping conditions. 8NYCRR 100.2(l)	The district must adopt a written policy on conduct and discipline which includes procedures for determining when the conduct of a student with a handicapping condition constitutes a reason for referral to the CSE. A copy of this policy and date of adoption must be submitted.	
III. COMMITTEE ON SPECIAL EDUCATION - 8NYCRR 200.3		
A. Appointment of CSE		
The district has not appointed a Committee on Special Education for the current school year. NYSED, Article 89, Section 4402.1(b)(1); 8NYCRR 200.3(a)	The district must appoint a CSE, composed of at least a school psychologist, teacher or administrator of special education, a school physician, and parent of a child with a handicapping condition residing in the district. A copy of the Board of Education resolution appointing CSE members must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
The district has not appointed all mandated members to the CSE. NYSED, Article 89, Section 4402.1 (b)1; 8NYCRR 200.3(a)	The district must appoint a CSE that contains all mandated members, including a school psychologist, a teacher or administrator of special education, a school physician, and a parent of a child with a handicapping condition residing in the district. A copy of the Board of Education resolution appointing CSE members and identifying each member by role/function must be submitted.	
B. Appointment of CSE Subcommittees		
The subcommittee appointed by the Board of Education is not similar in composition to that of the CSE. 8NYCRR 200.3(b)(3)	The membership of each subcommittee must be similar to that of the CSE. The Board of Education resolution appointing subcommittee members and identifying them by role/function must be submitted.	
The subcommittee has not referred to the CSE matters in which its recommendations have not been acceptable to the parent or legal guardian. 8NYCRR 200.3(b)(4)	Although a subcommittee may perform the functions of the CSE, it must refer to the CSE any matter in which recommendations concerning modification or change in the identification, evaluation, placement or provision of educational services are not acceptable to the parent or guardian. A written description of subcommittee responsibilities and procedures for full implementation must be submitted.	
The CSE subcommittee has not reported, annually to the CSE, the status of each student with a handicapping condition within its jurisdiction. 8NYCRR 200.3(b)(5)	Each subcommittee must report annually to the CSE on the status of each student with a handicapping condition. Procedures addressing the annual report process must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE

IV. PROCEDURES FOR REFERRAL, EVALUATION AND IEP - 8NYCRR 200.4

A. Referral Procedures

Referrals have not always been made on the basis of suspecting a handicapping condition. 8NYCRR 200.4(a)	Referrals to the CSE must be made when a student is suspected of having a handicapping condition. Comprehensive referral procedures must be prepared and submitted.	
A written referral is not prepared for students suspected of having a handicapping condition. 8NYCRR 200.4(a)	A written referral must be prepared for students suspected of having a handicapping condition in order to initiate CSE action. A copy of this referral form and procedures describing implementation must be submitted.	
Referrals do not contain required information. 8NYCRR 200.4(a)(2)	A written referral must contain required information. Referrals must state the reasons for the referral, include results from existing data on which the referral is based, describe attempts to remediate, and describe the extent of parental contact. A revised referral form and a completed sample addressing each required component must be submitted.	
There is no procedure for identifying the date of a referral. 8NYCRR 200.4(a)(3)	The date on which a referral is received by either the building administrator or CSE chairperson must be documented in order to establish evaluation, review and placement timelines. A log must be maintained for this purpose. A copy of the log for the first month of its use must be submitted.	
Referrals received by building administrators have not been forwarded to the CSE chairperson immediately. 8NYCRR 200.4(a)(4)	Referrals received at the building level must be forwarded to the CSE immediately to establish appropriate timelines and initiate due process notice and consent requirements. Revised referral procedures must address this issue and must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
Referrals received by the CSE chairperson are not forwarded to the building administrator within 5 days of receipt. 8NYCRR 200.4(a)(5)	A copy of a referral received by the CSE must be forwarded to the appropriate building administrator within 5 days of receipt. Revised referral procedures must address this issue and a copy must be submitted.	
Appropriate procedures for the withdrawal of a referral have not been established. 8NYCRR 200.4(a)(7)	In instances where the parent and person initiating the referral agree, a referral may be withdrawn. A written agreement must be prepared by the CSE chairperson and a copy given to both agreeing parties. A copy of referral procedures addressing this issue must be submitted.	
Referrals have not been accepted from appropriate individuals. 8NYCRR 200.4(a)(1)	Referrals may be made by parents, professional staff members, licensed physicians, judicial officers, commissioner or designee of a public agency, or the pupil him or herself, if emancipated or over 18. Comprehensive referral procedures must be prepared and submitted.	
In the absence of a written agreement to withdraw a referral and in the absence of parental consent 30 days after receipt of the referral, the CSE chairperson has not documented attempts to obtain consent and has not requested that the Board of Education initiate an impartial hearing. 8NYCRR 200.4(a)(8)	The CSE chairperson must document attempts to obtain parental consent within 30 days of the receipt of the referral. In the absence of consent or of a withdrawal agreement, the CSE must request that the Board of Education initiate an impartial hearing to determine the appropriateness of the proposed evaluation. Referral procedures must be revised to address this issue and must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
B. Individual Evaluations		
All required individual evaluations for students suspected of having a handicapping condition have not been conducted prior to CSE review. 8NYCRR 200.4(b)(1)	An individual evaluation must include a physical exam, psychological exam, social history and other suitable evaluations necessary to determine the physical, mental and emotional factors which contribute to the suspected handicapping condition. All student files must be brought up to date. Procedures for conducting individual evaluations must be prepared and submitted.Compliance will be monitored by follow-up review.	
Students' individual evaluations have not always included all required and/or suitable examinations necessary to determine whether a child has a handicapping condition and the extent of the special education needs. 8NYCRR 200.4(b)(1), 200.1(r)	An individual evaluation of a referred student must include, at no cost to parents, a physical exam, psychological exam, social history and other suitable examinations and evaluations. All student files must be brought up to date before students' annual reviews. Status reports on the availability of required evaluations must be submitted on a monthly basis until all student folders are complete.	
Students with limited English proficiency have not been evaluated in their dominant language. 8NYCRR 200.4(b)(2)(i)(a)	Tests and other assessment procedures must be administered in the child's dominant language or other mode of communication, unless it is clearly not feasible to do so. Criteria for assessing students with a limited English proficiency must be developed and implemented. A copy of these procedures must be submitted.	
Individual psychological evaluations have been based on a single evaluation procedure and have been used as the sole criterion for determining a student's appropriate educational program. 8NYCRR 200.4(b)(2)(iv), 200.1(s)	No single procedure may be used as the sole criterion for determining a child's appropriate educational program. A list of educational and psychological techniques to be used for individual psychological evaluations and procedures for the conduct of these evaluations must be submitted. Compliance will be monitored by follow-up review.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
The CSE has not assessed students suspected of having a handicapping condition in all areas related to the suspected disability. 8NYCRR 200.4(b)(2)(vi)	A child suspected of having a handicapping condition must be assessed in all areas of suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills, communicative status and motor abilities. Comprehensive evaluation procedures must be submitted. Compliance will be monitored by follow-up review.	
Vocational assessments are not performed routinely where appropriate. 8NYCRR 200.4(b)(2)	A vocational assessment must be administered to any student whose educational needs warrant such an evaluation. Criteria for determining which students should receive a vocational assessment must be developed and implemented. A copy of such criteria must be submitted.	
Evaluation results have not been provided to parents in their dominant language. 8NYCRR 200.4(b)(viii)	Results of evaluations must be provided to parents or persons in parental relationship in their dominant language. Appropriate procedures addressing this issue must be submitted.	
C. Recommendation and Placement Procedures		
Certain students have not been classified according to the standards for handicapping conditions defined in Regulations. 8NYCRR 200.4(c)(2), 200.1(cc)	Students classified as either ED or LD must not be classified solely on the basis of social maladjustment or cultural or economic deprivation. Criteria for the use of these handicapping conditions must be developed and submitted.	
Students have been classified as having a handicapping condition without required data, including psychologicals, educational evaluations, social history, or physical exams. 8NYCRR 200.4(b) and (c)	A student suspected of having a handicapping condition may not be classified without a complete individual evaluation and without presenting this information to the CSE for review. Procedures for comprehensive CSE evaluations must be prepared and submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
The Phase I IEP has been developed at CSE meetings that have not included all mandated participants. 8NYCRR 200.4(c)(3), 200.3(a)	All CSE meetings must include a psychologist, teacher or administrator of special education, physician (if requested), parent of a child having a handicapping condition and the pupil's teacher as mandated participants. CSE minutes identifying all participants by name and title must be submitted on a monthly basis for the remainder of the school year.	
The CSE has not provided recommendations to the Board of Education within 30 days of receipt of consent or within 40 days of receipt of referral. 8NYCRR 200.4(c)	For initially referred pupils, the CSE must provide recommendations to the Board of Education within specified timelines. A log documenting dates of referral, evaluation, review and Board of Education action must be maintained. A copy of this log covering the months of _____ and _____ must be submitted.	
The CSE has not prepared a written recommendation for students who have been determined to be ineligible for special education. 8NYCRR 200.4(c)(1)	The CSE must prepare a written recommendation for students found to be ineligible for special education which indicates the reasons the pupil was found ineligible. Educationally related or declassification support services must be provided if appropriate. A copy of the recommendation must be provided to parents. A copy of appropriate evaluation information must be provided to the building administrator. Procedures addressing this issue must be submitted.	
The CSE has not routinely forwarded to the Board of Education a report of the evaluation on which the recommendation is based, along with a copy of the Phase I IEP. 8NYCRR 200.4(c)(4)	The Board of Education must receive required data. Procedures describing the submission of materials to the Board of Education for their review and action must be submitted along with four sample packages forwarded to the Board during the months of _____ and _____.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
Students already in special education, who have been referred to the CSE for a review to determine the suitability of the current program or placement, have not been reviewed within 30 days of referral. 8NYCRR 200.4(c) and (e)(6)	The CSE must review within 30 days students who were referred because their current educational programs or placements were no longer considered to be appropriate. CSE referral procedures must address this issue and specify mandated timelines. A log must be maintained to document referral and review timelines. A copy of procedures and completed log for months of _____ and _____ must be submitted.	
Students have not been provided special education programs and services within 30 days of the receipt of the CSE recommendations by the Board of Education. 8NYCRR 200.4(d)	Within 30 days of the receipt of CSE recommendations, the Board of Education must provide special education programs and services. The district must maintain a log to document referral, evaluation, review, Board of Education action and placement dates. A copy of this log for the months of _____ and _____ must be submitted.	
D. Phase I IEP		
For students first entering special education, the Phase I IEP has not specifically included instructional objectives and evaluation criteria to be followed during the initial 30-day placement period. 8NYCRR 200.4(c)(2)(iii)	The Phase I IEP for students first entering special education must contain instructional objectives to cover the initial placement period. Sample Phase I IEPs for four such students must be submitted.	
Many Phase I IEPs did not contain all required information, including: present levels of performance and individual student needs; classification; appropriate annual goals; recommended program and placement; class size; extent of participation in regular education programs, physical education, occupational education and consultant teacher services; specialized/adaptive devices; testing modifications; dates of service, initiation and projected review; and eligibility for 12-month programming. 8NYCRR 200.4(c)(2)	Phase I IEPs must contain all mandated data. Phase I IEPs for students reviewed during the month of _____ , 19__ must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
Based on a record review, the district is not routinely recommending related services on the basis of a student's individual need, as defined by the Phase I IEP, but rather on the availability of the related service provider. 8NYCRR 200.1(hh), 200.4(c)(2), 200.6(a)(2), 200.6(d)(1)	The frequency, mode and duration of related services must be based on the individual pupil's need for service. Copies of Phase I IEPs for four students recommended for this service, clearly documenting the students' service needs, must be submitted together with service providers' schedules showing that these students are receiving the mandated services.	
Many Phase I IEPs lacked annual goals for creditbearing courses for high school students and lacked annual goals for the course of study for elementary and intermediate level students in special education. 8NYCRR 200.4(c)(2)(iii); Policy Memo 12/21/82 Gerald Freeborne	Annual goals should specify the academic content areas which will be covered within the special education program, including courses taken for Carnegie credit. Sample Phase I IEPs for four high school and intermediate level pupils must be submitted.	
Students have been placed in special education programs which are not commensurate with the individual needs of the student, as defined on the Phase I IEP. 8NYCRR 200.1(hh)	In developing the Phase I IEP, the CSE must determine the individual needs of each student based on consideration of the present levels of performance and expected learning outcomes. These determinations must be used as the basis for appropriate recommendations for class size/staffing ratio, annual goals and provision of appropriate educational programs and services. Criteria to be used by the CSE to determine individual student needs and provide appropriate services based on these needs must be developed and submitted.	
A copy of the Phase I IEP has not been provided to the special education teachers or service providers in a timely manner. 8NYCRR 200.4(d)	Teachers and related service providers must receive a copy of the Phase I for use in the development of the Phase II IEPs. Procedures and timelines for the distribution of Phase I IEPs must be developed and submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
E. Phase II IEP		
A Phase II IEP was not available for every student with a handicapping condition in the district. 8NYCRR 200.4(e)(1)	A Phase II IEP must be prepared for each student with a handicapping condition at an IEP Planning Conference no later than 30 days after the pupil enters the recommended special education program. Copies of Phase II IEPs for all students placed into special education since _____ , 19___ must be submitted.	
Planning Conferences have not always been conducted within 30 days of the student's entry into the special education program. 8NYCRR 200.4(e)(1)	Conferences for students newly identified as having a handicapping condition must be conducted no later than 30 days after entry into the program. Guidelines for arranging and conducting Phase II IEP conferences must be prepared and submitted.	
All mandated participants have not routinely attended the IEP Planning Conference, including the student's teacher, parent, student when appropriate, and a representative of the district qualified to provide or supervise the provision of special education. 8NYCRR 200.4(e)(2)	All mandated participants must attend each Phase II IEP Planning Conference. Guidelines for arranging and conducting IEP conferences must address this issue. A copy of revised guidelines must be submitted.	
Parents have not received written notice advising them of the scheduled IEP Planning Conference at least 5 days prior to the proposed meeting, stating the time, location and date of the meeting. 8NYCRR 200.4(e)(3)	A notice of the planning conference must be provided to the parent in a timely manner. CSE members, teachers, related service providers, and supervisory staff must receive in-service training on this issue. A schedule for such training must be submitted along with a standard form used for parental notice.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
The instructional objectives contained in the Phase II IEP were not being delivered as part of the instructional program in the classroom. 8NYCRR 200.1(p), 200.4(e)(5)	The Phase II IEP must specify the instructional objectives which are consistent with Phase I annual goals. These objectives must become an integral part of the instructional services being delivered in the student's special education program. Teachers and related service providers must receive training on IEP development and implementation. A schedule for such training must be submitted.	
Phase I annual goals and Phase II instructional objectives were inconsistent. 8NYCRR 200.4(e)(5)	Instructional objectives must be consistent with the annual goals contained in the Phase I IEP. All special education teachers and providers must be properly informed of this requirement. A copy of a student's Phase I and II IEP and a schedule for staff training on IEP development must be submitted.	
Phase II IEPs were not prepared for counseling/speech as related services. 8NYCRR 200.1(p), 200.4(e), 200.4(c)(2)	The Phase II IEP must include objectives, evaluation criteria and schedules for determining pupil progress for the special education programs and services to be provided to the pupil. Four sample Phase II IEPs for these services must be submitted.	
Some IEP conferences have not been conducted because an interpreter was not made available to non-English speaking parents. 8NYCRR 200.4(e)(2)	The district must ensure that the parent understands the proceedings at the IEP meeting and arrange for the presence of an interpreter, when necessary. Procedures for the use of interpreters at IEP meetings must be submitted.	
In some instances, when a mutually agreeable time for the IEP meeting could not be arranged with the parent, there was no attempt to use other alternatives to conduct the conference. 8NYCRR 200.4(e)(4)	If it is not possible or practicable to establish a mutually agreeable time for the parent to attend the conference, other alternatives, including but not limited to individual or conference telephone discussions, must be attempted and documented. Procedures for arranging alternative conference techniques must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
Some Phase II IEPs did not contain appropriate evaluation procedures and criteria for determining student progress. 8NYCRR 200.4(e)(5)(ii)	Appropriate objective and evaluation procedures and schedules for determining, on at least an annual basis, whether the instructional objectives are being achieved must be included in every Phase II IEP. Procedures for IEP development and a schedule for staff training in this area must be submitted.	
F. Annual Reviews		
Annual reviews have not been conducted routinely for every student with a handicapping condition in the district. 8NYCRR 200.4(f)	Each student's IEP must be reviewed and, if appropriate, revised periodically but not less than annually. A schedule for all annual reviews for the 19___ - ___ school year must be submitted.	
Annual reviews have not been based on a review of the student's IEP and other current information pertaining to the student's performance. 8NYCRR 200.4(f)(1)	Annual reviews must be based on current information available on the student. Procedures for the conduct of annual reviews and a schedule of in-service training for CSE members and other appropriate staff must be submitted.	
Annual reviews have not been conducted by a duly appointed CSE or subcommittee. 8NYCRR 200.4(f)(1)	The annual review of a pupil with a handicapping condition must be conducted by a CSE or subcommittee composed of all mandated members. Minutes of annual reviews conducted during the months of _____ and _____ , identifying participants by name and role/function must be submitted.	
Parents have not been notified regarding the scheduled annual review meeting. 8NYCRR 200.4(f)(2), 200.5(a)	Parents must be notified of the CSE's intent to review the pupil's program and placement. The notice must inform parents of the date, time, location and persons expected to attend the annual review meeting and invite parents to participate in developing the Phase I IEP. A copy of a schedule for annual reviews together with parental notification must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
Parents have not received appropriate notification following the annual review meeting. 8NYCRR 200.4(f)(3), 200.5(a)(4)	On completion of the annual review, parents must receive appropriate notification which includes a copy of the recommendations (Phase I IEP), specifies the tests/reports on which these recommendations are based, and states due process rights. A sample notice package to parents must be submitted.	
G. Triennial Evaluations		
Triennial evaluations have not been conducted on a routine basis. 8NYCRR 200.4(f)(4)	The CSE must arrange an appropriate reexamination of each pupil with a handicapping condition at least every 3 years to determine individual needs and continuing eligibility for special education. A copy of schedules and procedures for the implementation of this requirement must be submitted. Compliance will be monitored by follow-up review.	
The triennial reevaluation has been limited to conducting a psychological and has not routinely included medical, or other evaluations or reports including social history, educational assessment, speech evaluation, audiological, or neurological needed by the CSE to arrive at appropriate Phase I IEP recommendations. 8NYCRR 200.4(f)(4)	The CSE must arrange for a triennial reevaluation which must include medical, psychological and other evaluations necessary to determine the pupil's individual needs and continuing eligibility for special education. Full procedures and criteria for determining on a case by case basis the extent and scope of each triennial reevaluation must be prepared and implemented. A copy of these procedures must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
H. Referrals on Aging-Out		
Parents of students who are 18 years or over and placed in an out-of-state school, or the student when appropriate, have not been notified of the date when the student will no longer be eligible for tuition-free educational services and of their child's eligibility for adult planning services. 8NYCRR 200.4(h)	The CSE must appropriately notify parents, or the student, in writing. The notice must describe in detail the student's eligibility for adult planning services through the Council on Children & Families, including the coordination of the student's return to NYS, and request consent for the release of information to initiate referrals to the appropriate agency on behalf of the student. Procedures for full implementation of this provision must be prepared. A copy of these procedures along with a standard form used for parental notice must be submitted.	
The CSE has not notified parents of students who are 18 or over and placed in in-state residential schools, or the student where appropriate, of the date when the student is no longer eligible for tuition-free educational services. 8NYCRR 200.4(i)	The CSE must notify parents or the student in writing. The notice must describe in detail the student's eligibility for adult planning services after reaching age 21 and request consent for making a referral to the appropriate public agency or to the Council on Children and Families if there is a dispute as to the appropriate agency. Procedures for full implementation of this provision must be prepared and submitted along with a standard form used for parental notice.	
Parents of students who are over the age of 15 and are receiving special education services 100 percent of the school day have not been notified of the date when the student will no longer be eligible for tuition-free services. NYSED, Article 89, Section 4402.1(b)(5); 8NYCRR 200.4(j)	The CSE must notify parents of such students in writing. The notice must describe in detail the child's eligibility for adult planning services and request consent for making referrals to the appropriate agency. Procedures for full implementation of this provision must be prepared and submitted along with a standard form used for parental notice.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE

V. PROCEDURAL DUE PROCESS

A. Initial Notice

Parents have not received written notice from the CSE chairperson regarding an initial review, evaluation or reevaluation. 8NYCRR 200.5(a)(1), 200.4(a)(6)	The CSE chairperson must notify parents that a referral of their child for initial review, evaluation or reevaluation has been received. The notice must contain all mandated information. Referral procedures must address this issue and be submitted along with a copy of the written notice to parents.
The notice of initial review, evaluation, or reevaluation does not include all mandated items. 8NYCRR 200.5(a)(1), 200.4(a)(6)	The notice of initial review, evaluation or reevaluation must include all mandated items. A copy of revised notices must be submitted.

B. Consent for Evaluation and Placement

Consent for initial evaluation has not been obtained prior to conducting an individual evaluation. 8NYCRR 200.5(b)	Written parental consent must be obtained prior to conducting an initial individual evaluation. Procedures for securing consent in a timely manner (including any necessary follow-up) must be submitted.
Consent for initial placement has often not been obtained or documented. 8NYCRR 200.5(b)	Written parental consent for the provision of special education to a student not previously identified as having a handicapping condition is required prior to placement. Procedures for securing consent in a timely manner (including any necessary follow-up) must be submitted.

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
In instances where the parent has not granted consent for an initial evaluation, the district has not given parents an opportunity to attend an informal conference with the CSE to discuss the proposed evaluation. 8NYCRR 200.5(b)(2)	In the event that a parent withholds consent for initial evaluation, the CSE chairperson must inform parents that, on request, they will be given an opportunity to attend an informal conference with the CSE to discuss the proposed evaluation. A copy of this notice must be submitted.	
In instances where the parent has continued to withhold consent for an initial evaluation and there has been no agreement to withdraw the referral, the district has not initiated an impartial hearing to determine whether the evaluation will be conducted without parental consent. 8NYCRR 200.5(b)(2)	The district must initiate an impartial hearing when a parent continues to withhold consent for a period of 30 days after the date of receipt of a referral and in the absence of a withdrawal agreement. The district must document efforts to obtain consent. Procedures addressing this issue must be submitted.	
In instances where the parent has continued to withhold consent for initial placement into special education, the district has not initiated an impartial hearing to determine whether the placement is appropriate, and has instead established a practice of bringing such matters before the Family Court system on the basis of parental neglect. 8NYCRR 200.5(b)(3)	In the event that a parent does not grant consent for an initial placement within 30 days of a notice of recommendation, the Board of Education must initiate an impartial hearing to determine if such placement is warranted without parental consent. The district must document efforts to obtain consent. Procedures addressing this issue must be submitted.	
C. Notice of Meetings		
Parents have not received written notice informing them of the date, time, location and persons expected to attend the CSE meeting. 8NYCRR 200.5(a)(3)	The notice of the receipt of a referral or a subsequent notice must inform parents of the date, time, location and persons expected to attend the CSE meeting. The notice must invite parents to participate in developing the Phase I IEP and state that parents have the right to be accompanied by other individuals of their choosing. A copy of this notice to parents must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
The subsequent notice to parents advising them of the date of the CSE meeting does not contain all required information. 8NYCRR 200.5(a)(3)	The notice to parents must include the date, time, location and persons expected to attend the meeting. It must also invite parents to participate in the development of the Phase I IEP and state that parents have the right to be accompanied by individuals of their own choosing. A copy of the notice to parents must be submitted.	
D. Notice of Recommendations		
Parents have not received appropriate notification following the initial CSE meeting. 8NYCRR 200.5(a)(4)	Following the CSE review, parents must receive appropriate notification which includes recommendations (Phase I IEP), specifies the tests/reports on which the recommendations are based, states due process rights, and requests parental consent for the provision of special education services for a student entering special education for the first time. A sample notice package routinely sent to parents must be submitted.	
Parents have not received a copy of the Phase I IEP with the notice of recommendations following the CSE review. 8NYCRR 200.5(a)(4)(ii)	Parents must receive a copy of the Phase I IEP containing recommended programs and services submitted to the Board of Education for approval. A sample package containing notice information routinely sent to parents must be submitted.	
The Board of Education has not notified parents of its decision regarding CSE recommendations. 8NYCRR 200.5(a)(5)	The Board of Education must notify parents of action taken within 30 days of the CSE's recommendations. Procedures to implement this requirement and a copy of the Board notice to parents must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
E. Impartial Hearings		
The Board of Education has failed to arrange for an impartial hearing when requested in writing by parents. 8NYCRR 200.5(c)	The Board of Education must arrange an impartial hearing when parents request such a hearing in writing. Procedures regarding this issue must be submitted.	
The notice to parents regarding their right to obtain an impartial hearing continues to contain a reference to a 10-day timeline for this request. 8NYCRR 200.5(c)	The 10-day time limit for parental request of an impartial hearing has been eliminated from Regulations. The notice to parents must be revised to be consistent with this change. A copy of the revised notice must be submitted.	
F. Surrogate Parents		
The district has not assigned surrogate parents to represent a pupil when the parent or guardian is unknown or unavailable or the pupil is a ward of the State. 8NYCRR 200.5(e)	The district must assign surrogate parents where appropriate to act on behalf of the student for the purposes of referral, consent, evaluation and CSE review. Procedures for the selection and assignment of surrogate parents must be prepared and submitted.	
G. Confidentiality Procedures		
Parents are not notified regarding their rights to access and confidentiality of student records. 34 CFR 99.6	Parents must be notified by letter or publication of their rights to access and confidentiality of student records. A copy of such notice must be submitted.	
The district does not have a list of the student records it maintains identifying records by type and location stored. 34 CFR 300.565	A list, identifying the types of records maintained by the district and their location, must be prepared and posted for public inspection. A copy of this list must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
There is no list identifying those employees who have access to records. 34 CFR 300.572	A list of employees, identified by name and title, must be prepared and posted for public inspection. A copy of this list must be submitted.	
The district has not established a practice of using an individual access log, identifying the name, date and purpose of review, whenever a student's file is examined. 34 CFR 300.563	An access log must be maintained by individual file. Written recordkeeping procedures and a copy of the access log format must be prepared and submitted.	
Procedures for obtaining record access at the building level are unclear and may interfere with parents' rights to inspect and review their child's educational record. 34 CFR 300.562	Procedures to be followed when record access is requested must be prepared and made available to parents on request. A copy of these procedures must be submitted.	
The confidentiality of personally identifiable data has not been carefully maintained in that other student reports have been found in individual records, teachers take confidential documents home, teachers leave confidential documents in unlocked desks and cabinets, and student records remain away from secure storage in local buildings or the central office for extended periods of time. 34 CFR Part 99	Personally identifiable data must be maintained in a manner that assures confidentiality and security. Procedures regarding the storage and maintenance of student records or personally identifiable documents must be carefully implemented. A copy of such procedures must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
H. Suspension Procedures		
The district has not followed appropriate suspension procedures and students have been suspended for periods longer than 5 days without due process. NYSED, Article 65, Section 3214.3; 8NYCRR 200.7(b)(3)	Appropriate suspension procedures must be implemented. Students may not be suspended for more than five days without an opportunity for a Superintendent's Hearing and associated due process. Revised suspension procedures must be submitted together with a monthly suspension log for the months of _____ and _____.	
In some instances, emotionally disturbed students have been suspended without a determination that the behavior leading to the suspension was not a manifestation of behavior related to their handicapping condition, or that the student's educational placement was inappropriate. Rehabilitation Act of 1973, Section 504, as amended; 34 CFR Part 104 and 8NYCRR 100.2(l)	Students with handicapping conditions may not be suspended in those instances in which it is determined that the handicapping condition is the primary factor in causing the behavior associated with the suspension. For each proposed suspension, the district must ensure that the behavior for which suspension is being considered is not an element of or related to a student's handicap, or the result of an inappropriate placement. Suspension procedures, as they apply to students with handicapping conditions, must be revised to appropriately address this issue, Revised procedures must be submitted.	
Students with handicapping conditions have been suspended for more than a cumulative total of 10 days without consideration of the appropriateness of the student's placement through the CSE and associated due process. Rehabilitation Act of 1973, Section 504, as amended; 34 CFR Part 104; 8NYCRR 100.2(l)(iv)	When a student with a handicapping condition has been suspended for a cumulative total which exceeds 10 days, any further suspension constitutes a change in placement that must be accomplished through the CSE evaluation and review process. Suspension procedures must assure that when a student's total days of suspension exceed 10 days, an immediate referral the CSE be made. Revised suspension procedures addressing this issue must be prepared and submitted. A description of how the district is to implement and coordinate these procedures between central office and school staff must also be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE

VI. PROVISION OF APPROPRIATE EDUCATION

A. School Calendar/Hours of Instruction

The length of the school year is below the mandated minimum level of school days of instruction. NYSED, Article 73, Section 3604.7	The length of the school year must be a minimum of 180 school days of instruction. A copy of the approved school calendar for the 19___ - ___ school year must be submitted.
Students in half-day kindergarten programs do not receive the minimum level of daily instruction. 8NYCRR 175.5(a)(1)	Students in half-day kindergarten programs must receive a minimum of 2 1/2 hours of daily instruction. A program schedule for all students with handicapping conditions in half-day kindergarten programs must be submitted.
Students in grades 1-6 do not receive the required 5 hours of daily instruction. 8NYCRR 175.5(a)(2)	Students in grades 1-6 must receive a minimum of 5 hours of daily instruction, exclusive of lunch. A program schedule for all students with handicapping conditions at the elementary level must be submitted.
Students in secondary programs do not receive the required 5 1/2 hours of daily instruction. 8NYCRR 175.5(a)(3)	Students in grades 7-12 must receive a minimum of 5 1/2 hours of instruction, exclusive of lunch. A program schedule for students attending grades 7-12 and those in half-day BOCES Occupational Education programs, specifying hours of instruction must be submitted.

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
B. Certification		
Some special education teachers are not appropriately certified. 8NYCRR 200.6(b)(4), 200.1(ii), 80.6	Special education instruction must be provided by appropriately certified individuals. A copy of all teacher certifications must be submitted. If the district is unable to hire certified teachers, it must contact NYSED's Office of Teaching, in writing, for permission to hire individuals who will work toward certification. A copy of this request and the response to it must be submitted.	
Some teacher assistants lack appropriate certification. 8NYCRR 80.33, 200.1(x)	All teacher assistants must be appropriately certified. Copies of certification applications must be submitted together with documentation that these staff members meet necessary qualifications for certification.	
Related services have been provided by uncertified/unlicensed personnel. 8NYCRR 200.6(b)(3)	Related services must be provided by individuals who hold appropriate certification or license in their area of service. A copy of the certification or license for each related service provider must be submitted.	
C. Transitional Support		
The district does not provide transitional support as part of its continuum of special education services. 8NYCRR 200.6(c)	Transitional support must be included as a program option for those students with handicapping conditions who may be transferring to regular education or to a less restrictive program. Procedures for the implementation of this program option must be prepared. In addition, the District Plan must be revised to include this option. A copy of implementation procedures and revised District Plan must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
D. Related Services		
The provision of counseling/speech as related services is not consistent with Phase I IEP recommendations. 8NYCRR 200.6(d)	Related services must be provided according to the frequency, mode and duration specified on the student's Phase I IEP. Copies of ten Phase I IEPs and corresponding related service schedules must be submitted.	
Students have been receiving speech as a related service on a once per week basis, which is below the minimum required level for this service. 8NYCRR 200.6(d)(2)	Students in need of speech/language service must receive this service a minimum of 2 periods per week. A schedule for all students recommended for speech services must be submitted.	
The total caseload for teachers providing speech/language as a related service has exceeded the maximum level of students. 8NYCRR 200.6(d)(2)	The total caseload for speech therapists must not exceed 65 students. The total roster of students assigned to each speech therapist must be submitted.	
Related services have been provided to groups of students containing more than 5 students. 8NYCRR 200.6(d)(3)	When a related service is provided to a number of students at the same time, the number of students in the group may not exceed 5 students per teacher/specialist. Student rosters for all group speech/counseling sessions must be submitted.	
Counseling services have been provided by individuals who were not adequately trained to provide such service and who have not provided services to meet students' individual needs as specified on the Phase I IEP. 8NYCRR 200.6(d), 200.2(b)(2)	Related services must be provided by appropriately certified or licensed individuals who are also appropriately qualified to provide such service. The district must submit a listing of both the credential and qualifications of each counseling provider.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
E. Resource Rooms		
Students in the resource room program have been receiving basic instruction rather than supplementary/remedial instruction. 8NYCRR 200.6(e)	The resource room program is for the purpose of supplementing the regular or special classroom instruction of a student with a handicapping condition. Four Phase I and Phase II IEPs for students recommended for the resource room program must be submitted showing where basic instruction in all areas will be provided.	
Instruction in some resource room groupings was neither supplementary to the mainstream or special class program nor remedial in nature. Activities were instead focused around the completion of homework assignments. 8NYCRR 200.6(e), 200.1(ee) and (hh), 200.4(c)	The resource room program is for the purpose of providing specialized supplementary instruction and may not be used exclusively for completion of homework assignments or as a study hall. A program description which clearly defines the operation of the resource room program must be prepared and disseminated to staff along with a specific directive requiring full implementation. Copies of these documents must be submitted.	
Students recommended for the resource room program have been receiving less than 3 hours of instruction per week in this program. 8NYCRR 200.6(e)(1)	Students with handicapping conditions in need of a resource room program must receive a minimum of 3 hours of weekly instruction in this program. Schedules for four students attending the resource room program at the elementary, middle and high school levels must be submitted.	
Students have been assigned to the resource room program for more than 50 percent of their school day. 8NYCRR 200.6(e)(2)	Students may not spend more than 50 percent of their time during the day in the resource room program. Student schedules for resource room programs at each instructional level must be submitted.	
Some instructional groups in the resource room program have exceeded 5 students. 8NYCRR 200.6(e)(3)	Resource room instructional groups which include students with handicapping conditions may not exceed 5 pupils per teacher. Any instructional group exceeding 5 students must be reorganized. Rosters for resource rooms, by instructional groups, must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
Resource room teacher caseloads have exceeded 20 students. 8NYCRR 200.6(e)(5)	The total number of students with handicapping conditions assigned to a resource room teacher may not exceed 20. Caseload rosters for each of the district's resource room teachers must be submitted.	
Instructional groups in the resource room program have not been based on the similarity of individual student needs. 8NYCRR 200.6(e)(4)	The composition of instructional groups in a resource room program must be based on the similarity of students' individual needs according to four criteria: levels of academic/educational achievement; levels of social development; levels of physical development; and the management needs of the pupils. Instructional group rosters for a resource room program at each instructional level together with students' Phase I IEPs must be submitted.	
F. Special Classes		
Students in special classes have not received instruction on a daily basis to the extent indicated on the pupils' IEPs. 8NYCRR 200.6(f)(1)	Students with handicapping conditions placed in special classes must receive instruction on a daily basis to the extent indicated in the pupils' IEPs. Schedules and Phase I IEPs for four students placed in special classes in elementary, middle and high school programs must be submitted.	
Special classes exceed the maximum class size specified on the students' Phase I IEPs. 8NYCRR 200.6(f)(4) and (6), 200.4(c)(2)	Special class size must be based on students' individual needs and be consistent with the recommendations contained in the students' Phase I IEPs. Special classes may not exceed the maximum number of students unless a variance has been obtained based on application and documented educational justification. Class lists for each special class must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
The composition of special classes has not been based on the similarity of students' individual needs. 8NYCRR 200.6(f)(2)	The composition of special classes must be based on the similarity of the individual pupil needs according to: levels of academic/educational achievement and learning characteristics; levels of social development; levels of physical development; and management needs of the pupils in the classroom. Special class rosters, specifying functioning levels for each student in the four criteria areas, must be submitted.	
Not all classes were within the 36-month age range. 8NYCRR 200.6(f)(5)	Classes for students with handicapping conditions who are less than 16 years of age must not exceed 36 months. Classes must be reorganized to conform to the three-year age range. Class lists, including students' dates of birth, must be submitted for each special class.	
The required narrative description for classes exceeding a 3-year grade level in both reading and math were not prepared and parents were not properly notified. 8NYCRR 200.6(f)(7)	A narrative description of classes exceeding the maximum range in academic achievement must be prepared and a copy provided to parents and the classroom teacher. A copy must also be included in the District Plan. Copies of these narratives must be submitted along with a copy of the revised District Plan.	
When teachers or paraprofessionals are absent, substitute personnel are not routinely provided in order to maintain the prescribed class size/ staffing ratio in these classes. 8NYCRR 200.6(f)(1)and (4)	The class size/staffing ratio recommended on the Phase I IEP must be maintained when teachers or paraprofessionals are absent. Procedures for securing substitute staff must be prepared and submitted. Teacher and paraprofessional attendance must be documented for the months of and together with indications of how absences were covered.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
The district has not made provision for parent counseling/education for those parents of students placed in special classes which have been organized at a 6:1:1 or 12:1:4 ratio. 8NYCRR 200.6(f)(8)	Parents of students placed in special classes designed for students with intensive management needs or for students with multiple handicaps must have an opportunity for parent counseling/education for the purpose of enabling parents to perform appropriate follow-up intervention activities at home. Procedures describing this program option must be prepared and included in the District Plan. A copy of these documents must be submitted.	
The district was operating a combination special class/resource room program. 8NYCRR 200.6(e) and (f), 200.1(ee) and (gg)	Resource room and special class programs must be operated as discrete and separate instructional units and may not be combined during any instructional period. This combined program must be reorganized. A description of this reorganization must be prepared and submitted together with the staffing patterns and schedules for the resource room and special class programs.	
Special education teachers were teaching content courses for credit without consultation services from a teacher certified in the content area. NYSED Policy Memo 8/25/81 Gordon Ambach	Courses taught for Carnegie credit must be taught by either a teacher certified in special education and receiving consultation services from a teacher certified in the content area, or by a regular education teacher certified in the content area who receives consultation from a special education teacher. A schedule for these consultation services must be prepared and submitted.	
Regular education teachers were teaching students with handicapping conditions content courses for credit without consultatation from a special education teacher. NYSED Policy Memo 8/25/81 Gordon Ambach	Courses taught for Carnegie credit must be taught by either a teacher certified in special education and receiving consultation services from a teacher certified in the content area, or by a regular education teacher certified in the content area who receives consultation from a special education teacher. A schedule for these consultation services must be prepared and submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
The district has not documented equivalency of instruction for courses being taught for Carnegie credit. 8NYCRR 100.5	The district must document that equivalent content is being provided and that equivalent time is being devoted to the instruction of credit-bearing courses. Documentation of equivalency must be developed and submitted.	
In some instances, a teacher on a long-term leave has been replaced by a substitute teacher without appropriate qualifications to teach special education or provide necessary classroom management. 8NYCRR 200.6(f), 200.2(b)(2)	Individuals assigned as substitute teachers must be qualified to provide special education and maintain appropriate classroom management. Criteria for the assignment of substitute personnel must be submitted.	
Special classes, for students recommended for a 12:1:1, 6:1:1 or 12:1:4 ratio on their Phase I IEP, have not included sufficient aide staffing during instructional periods. 8NYCRR 200.6(f)(4) and (6), 200.4(c)(2)	Students must be placed in special classes that have been staffed according to the class size/ staffing ratio recommended on the Phase I IEP. In classes where a paraprofessional has been recommended, the ratio must be maintained during all periods of instruction. A listing of all classes designed as 12:1:1, 6:1:1 or 12:1:4 options and a class by class identification of teacher and classroom aides must be submitted.	
G. Home/Hospital Instruction		
Students with handicapping conditions who have been recommended for home and/ or hospital instruction have not received the minimum hours of instruction. 8NYCRR 200.6(g)(1) and (2)	Elementary level students must receive a minimum of 5 hours per week and secondary level students must receive 10 hours per week of home and/or hospital instruction. Schedules for all students recommended for this service documenting the number of hours provided must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
H. Least Restrictive Environment		
Students with handicapping conditions have been placed in segregated facilities in instances where the IEPs and/or clinical materials have not documented the need for such a restrictive placement. 8NYCRR 200.6(h), 200.1(t), 200.6(a)	To the maximum extent appropriate, students with handicapping conditions must be placed in the least restrictive educational placement. Criteria to be used by the CSE in determining placements in public and private school program options must be prepared and submitted. All students currently in segregated facilities must have their placements reviewed at the next annual review meeting. A report on the outcome of these reviews must also be submitted.	
Students with handicapping conditions have not been afforded mainstreaming opportunities to the extent indicated by their clinical/educational materials. 8NYCRR 200.6(h), 200.1(t), 200.6(a)	To the maximum extent appropriate, students with handicapping conditions must be mainstreamed or provided education with other students who are nonhandicapped. The CSE must prepare criteria to determine a student's eligibility for mainstreaming opportunities. Students who meet eligibility criteria for mainstreaming must be reviewed by the CSE for consideration of a change in program. A report on the outcome of these reviews must also be submitted.	
Students with handicapping conditions have not been afforded sufficient opportunities to be integrated with nonhandicapped peers. 8NYCRR 200.6(h), 200.1(t), 200.6(a)	To the extent that a student with a handicapping condition can benefit from integration with nonhandicapped peers, such opportunities must be afforded. Guidelines for the provision of appropriate mainstreaming options and integration into school programs and services must be prepared and submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
I. Appropriateness of Instruction		
Instruction to students with handicapping conditions lacked the individualization necessary to meet their specialized needs. 8NYCRR 200.1(hh), 200.6(a)	Special education must provide specially designed individualized instruction to meet the individual needs of students with handicapping conditions. Teachers must be provided in-service training in designing and implementing specialized instructional techniques. A schedule for in-service training in this area must be submitted.	
Instructional techniques and materials have not been modified to meet the individual needs of students with handicapping conditions. 8NYCRR 200.1(hh), 200.6(a), 100.2(s)	Students with handicapping conditions must be provided with instructional methods and materials that have been appropriately modified to meet each student's unique educational needs. The CSE is required to review the appropriateness of these modifications at least annually. Staff must receive relevant in-service training in this area and be directed to fully implement CSE recommendations. A copy of the training schedule and written directive to staff must be submitted.	
The level of instruction is not consistent with the students' documented levels of functioning. 8NYCRR 200.1(hh)(2), 200.6(a)	The level of instruction provided students with handicapping conditions must be appropriate to meet the students' individual needs and must be commensurate with the students' functioning levels. The curriculum provided to students in the district's special education programs must be submitted together with a summary of the range of functioning in each of the special education classes.	
Many special classes were inadequately equipped with appropriate textbooks, supplies and/or materials to provide the necessary instructional program recommended on the Phase I IEP. 8NYCRR 200.1(hh)(2), 200.4(c)(2), 200.6(a)	The level of instruction provided a student with a handicapping condition must be appropriate to meet the student's individual needs and must be commensurate with the student's functioning level. Each class must be equipped with appropriate textbooks, supplies and materials consistent with functioning levels and program recommendations contained in the Phase I IEP. A plan to properly equip all instructional units must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
J. IEP Implementation (other)		
(a) Occupational Education		
Students are not afforded opportunities for access to occupational education programs. 8NYCRR 100.2(h), 141.4(a), 141.5; 34 CFR 300.14(b)(3)	Students with handicapping conditions must be provided appropriate occupational education programs that maintain acceptable standards. The district must prepare and submit a plan describing the proposed occupational education programs and activities to be implemented.	
Students involved in work/study programs do not receive appropriate instruction to assist their orientation to school and employment. 8NYCRR 141.8	The district must assign a properly qualified teacher to instruct and supervise students involved in work/study programs. The teacher must supervise the student's school and work experience for the purpose of promoting progress within the program and to coordinate the total program. A plan describing the implementation of the work/study program must be prepared and submitted.	
(b) Bilingual Instruction		
Bilingual instruction is not being recommended on the Phase I IEP for those students with handicapping conditions who are also limited English proficient. NYSED, Section 3204.2; 8NYCRR 200.1(hh), 200.4(c)(2)	Bilingual instruction must be recommended in the Phase I IEP when the need for such instruction is indicated within the student's clinical data. When bilingual instruction is not recommended for a pupil whose dominant language is not English, the IEP must contain a rationale explaining why bilingual instruction is not required. Copies of IEPs for those students who have been identified as having limited English proficiency must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
Bilingual instruction for students with limited English proficiency is not being provided according to students' IEP recommendations. NYSED, Section 3204.2-a; 8NYCRR 200.1(hh), 200.6(a), 200.4(c)(2)	Students with limited English proficiency, whose Phase I IEPs contain a recommendation for bilingual instruction, must receive this service. The district must design a program to accommodate the needs of these students and the CSE must arrange appropriate placements into these programs. A program description must be submitted together with copies of students' revised program schedules.	
(c) Physical Education		
Physical education instruction has not been provided to the extent required for elementary-level students. 8NYCRR 135.4(c)(2)(i)	All students in grades K-6 must participate in a physical education program for a minimum of 120 minutes per calendar week. Schedules for elementary-level students with handicapping conditions must be submitted.	
Physical education instruction has not been provided to the extent required for secondary-level students. 8NYCRR 135.4(c)(2)(ii)	All secondary-level students must participate in a physical education program a minimum of 3 periods per week during one semester of the school year and 2 periods per week during the alternate semester or a comparable time each semester if the school is organized in other patterns. Physical education schedules for secondary-age students with handicapping conditions must be submitted.	
Secondary-age students with handicapping conditions have been provided physical education instruction by individuals who are not certified as physical education teachers. 8NYCRR 135.4(c)(2)(ii)	All secondary students must be taught by a certified physical education teacher. A copy of the physical education certification for all individuals providing physical education instruction must be submitted together with the physical education schedules for all secondary-age students with handicapping conditions.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
The district has not provided activities adapted to meet the needs of students with handicapping conditions in the area of physical education. 8NYCRR 135.4(c)(1)(iv)	The district must provide physical education activities adapted to meet the individual needs of students with handicapping conditions as recommended in their Phase I IEPs. Physical education must be revised to also include adaptive physical education activities. A copy of the revised plan must be submitted.	
(d) Mainstreaming		
Students with handicapping conditions have not been afforded mainstreaming opportunities as specified on their IEPs. 8NYCRR 200.4(c)(2), 200.1(hh), 100.2(k)	Each student with a handicapping condition must be mainstreamed to the degree that is specified on the Phase I IEP. Regular and special education staff must receive in-service training in the area of mainstreaming and must be directed to fully implement all IEP recommendations. A copy of the training schedule and directive to staff must be submitted.	
K. Program Accessibility		
The district's elementary/secondary programs are not accessible for students with mobility impairments. Rehabilitation Act, 1973, Section 504	The district must provide accessible programs at each instructional level. A plan to provide program accessibility together with a date for full implementation of this plan must be submitted.	
The district has not modified bathrooms/water fountains for use by mobility-impaired individuals. Rehabilitation Act, 1973, Section 504	The district must make appropriate modifications to school building facilities at each instructional level to accommodate the needs of physically handicapped individuals. A plan for such modifications must be prepared and submitted. A timeline for full implementation must also be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
L. Appropriateness of Classrooms for Instruction and Health/Safety		
The required number of fire drills have not been conducted. NYSED, Section 807(1)	At least 12 fire drills must be conducted during the school year, 8 of which must be held between 9/1 and 12/1 of each school year. A fire drill log specifying date, time conducted, evacuation time and any difficulties encountered during the fire drill, must be maintained. Documentation of fire drills conducted since the review and a schedule for remaining fire drills must be submitted.	
The district has not documented that all of its school buildings have been included in the annual fire inspection. NYSED, Section 807-a	The district must provide documentation that every building housing an educational program or service has received an annual fire inspection. An inspection report for each facility in use must be submitted.	
Some of the district's special education programs are located in areas that are unsuitable. 8NYCRR 155.1(b)	The district must provide appropriate physical space for all of its special education programs. Special classes and resource rooms must have sufficient space and a minimum of distraction. A plan to relocate classrooms to areas that are conducive to learning must be prepared and submitted.	
VII. PART 100 IMPLEMENTATION		
A. General Education Curriculum		
Students with handicapping conditions at the elementary level have not been provided access to a general education curriculum in the required common branch subjects. 8NYCRR 100.3, 100.2(c)	At the elementary level, students with handicapping conditions must be provided access to a general education curriculum which is consistent with requirements in all common branch areas. A copy of the curriculum provided to students in special class placements must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
Students with handicapping conditions in grades 7 and 8 who are receiving their basic instruction in special classes have not been provided instruction in the required general curriculum nor have they been provided with the minimum instructional time for courses based on units of study. 8NYCRR 100.1(a), 100.4	Students with handicapping conditions must be provided with required curricular subjects, as appropriate, and with the minimum instructional time for courses based on units of study. A copy of the curriculum provided to students with handicapping conditions in grades 7 and 8 must be submitted, together with a program schedule for students following prescribed units of study.	
B. Carnegie Credit		
Students with handicapping conditions at the secondary level have not been offered courses leading to Carnegie credit in the special class program. 8NYCRR 100.5	Students with handicapping conditions must be afforded the opportunity to meet the needed requirements for a high school diploma. Students in special classes must be offered courses, where appropriate, leading to Carnegie credit. A description of the special class program identifying specific courses offered for credit must be submitted.	
Courses offered for credit to students with handicapping conditions in special classes at the high school level cannot be considered equivalent to the same courses taught in regular education. 8NYCRR 100.5	Students with handicapping conditions must be afforded an opportunity to achieve the same curricular goals and objectives required of nonhandicapped students. Courses taught for credit must be equivalent to courses taught in regular education. The high school principal is responsible for making a determination of course equivalency. Documentation supporting the equivalency of courses leading to credit must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
C. Occupational Education		
Students with handicapping conditions have not been afforded equal opportunity to participate in the district's full array of occupational education programs as their nonhandicapped peers. 8NYCRR 100.2(h), 141.4(a); 34 CFR 300.14(b)(3)	Where occupational education programs are offered by a school district, students with handicapping conditions must be afforded the same participation as nonhandicapped students. Instruction must match the intended goals on the IEP. Appropriate materials, equipment or hands-on activities must be provided in order to ensure that instructional goals are met. The district must prepare and submit a plan to integrate students with handicapping conditions into its occupational education programs, as appropriate. The IEPs for those students currently in out-of-district occupational education programs must be reviewed to determine whether these students can benefit from placement within the district. A summary of these reviews must also be submitted.	
D. Guidance Programs		
The district has not provided equal access to the district's guidance programs for students with handicapping conditions. 8NYCRR 100.2(j)	Students in grades K-12 must be afforded equal access to guidance programs. Procedures addressing full access to students with handicapping conditions in grades K-6 and 7-12 must be submitted.	
Students with handicapping conditions in grades K-6 have not been provided with a guidance program. 8NYCRR 100.2(j)	Students with handicapping conditions in grades K-6 must be provided with a guidance program which is designed in coordination with teaching staff and addresses mandated objectives. The district must submit a copy of the guidance plan specifying the manner in which it will comply with this requirement.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
Students with handicapping conditions in grades 7-12 have not been provided with a guidance program. 8NYCRR 100.2(j)	Students with handicapping conditions in grades 7-12 must be provided with individual or group counseling assistance by personnel certified or licensed as school counselors. Each student's educational progress and career plans must be reviewed annually. A copy of the district's guidance plan specifying the scope and objectives of the guidance program, and the inclusion of students with handicapping conditions in this program must be submitted.	
E. Extracurricular Activities		
Students with handicapping conditions have not been permitted to participate in appropriate curricular and extracurricular activities. 8NYCRR 100.2(k) and (s), 200.2(b)(1)	Students with handicapping conditions are entitled to participate in curricular and extracurricular activities to the extent appropriate to their individual needs. A plan to provide students with handicapping conditions with equal opportunity to participate in the district's programs, including extracurricular activities, must be prepared and submitted.	
The district has not assured that students placed in BOCES or other district programs are provided with opportunities to participate in extracurricular activities. 8NYCRR 100.2, 200.2(b)(1)	Students placed in out-of-district district programs must also be provided with full access and opportunity to participate in extracurricular activities. A plan describing coordination with other school districts or BOCES to assure students with handicapping conditions access to such activities must be prepared and submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
F. Alternative Testing Procedures		
Students with handicapping conditions have not been afforded alternative testing procedures, based on individual needs. 8NYCRR 100.2(g), 200.4(c)(2)	Students with handicapping conditions must be afforded alternative testing procedures as determined by their individual needs and as prescribed on the Phase I IEP. Criteria for recommending alternative testing procedures to students with handicapping conditions must be prepared and submitted.	
Students with handicapping conditions have not been afforded alternative testing procedures as prescribed on their Phase I IEPs. 8NYCRR 100.2(g), 200.4(c)(2)	Alternative testing procedures that have been recommended on the Phase I IEP must be implemented. A plan for the full implementation of alternative testing procedures, in coordination with the building principal, must be prepared and submitted.	
G. Second Language Instruction		
The CSE has not reviewed students who will be entering grade 9 in 1988 for possible exemption from the second language requirement. 8NYCRR 100.2(d)	Students with handicapping conditions may be exempted from the second language requirements if the CSE determines that such requirements are not appropriate. This determination must be included in the student's IEP. The district must develop and submit criteria to be used in making determinations exempting students with handicapping conditions from the second language requirements. All students who will be entering grade 9 in 1988 must be reviewed regarding the second language requirement. A summary of these reviews must also be submitted.	
Students with handicapping conditions who have been exempted from the second language requirement have not had this determination included in the IEP. 8NYCRR 100.2(d)	The IEP must contain the CSE's recommendation that a student with a handicapping condition has been exempted from the second language requirement. Copies of four Phase I IEPs for students with such exemptions must be submitted.	

COMPLIANCE ISSUE LEGAL REFERENCE	CORRECTIVE ACTION AND DOCUMENTATION REQUIRED	COMPLIANCE DATE
A review of records indicates that students with handicapping conditions have been routinely exempted from the second language requirement without documentation supporting that this requirement is not appropriate for the student. 8NYCRR 100.2(d)	Although a student with a handicapping condition may be exempted from the second language requirement, this determination must be made on a case by case basis and must be supported by evidence that the requirement is not appropriate for the student. The district must develop and submit criteria for making determinations of exemption from the second language requirement. For students currently exempted, documentation supporting this determination must also be submitted.	
A unit of study in a second language has not been made available to students with handicapping conditions who have not been exempted from this requirement. 8NYCRR 100.2(d)	Students with handicapping conditions who have not been exempted from the second language requirement must be afforded an opportunity to satisfy this requirement within the mandated timelines. A plan describing a second language program option for students with handicapping conditions must be prepared and submitted.	

OFFICE FOR EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS

REGIONAL OFFICES AND AREAS SERVED

The Division of Program Monitoring is comprised of five Regional Offices staffed by Regional Associates. They are responsible for monitoring special education services and providing technical assistance to the schools and residents of their regions.

REGION I

NYS Education Department
Richmond Avenue
Batavia, NY 14020
(716) 344-2112

REGION III

NYS Education Department
9C49 Cultural Education Center
Empire State Plaza
Albany, New York 12230
(518) 474-5356

REGION IV

NYS Education Department
World Trade Center
Tower II, Room 5830
New York, NY 10047
(212) 488-4450

REGION V

NYS Education Department
Salisbury Center
Valentines Road & The Plain Road
Westbury, NY 11590
(516) 997-8700

REGION VI

NYS Education Department
1950 Edgewater Street
Yorktown Heights, NY 10598
(914) 245-0010